



ENVIRONMENTAL ASSESSMENT

**United
States
Department
of the Interior**

**Bureau of
Land
Management**

November 2004

For the **Knott Creek Proposed Acquisition N-76608**

EA Number NV-020-05-EA-03

**Winnemucca Field Office, Nevada BLM
Humboldt County, Nevada**



Sunset on Knott Creek Reservoir (Spring 2004)

I. Purpose and Need

The proposed acquisition was initiated when RDD Incorporated (Mr. Richard Drake) submitted a nomination package to the Southern Nevada Public Lands Management Act (SNPLMA) office in August, 2000. The acquisition was approved by the Secretary of the Interior as part of the Round 2 package. The purpose of the proposed action is to implement the acquisition in accordance with the Secretary's approval.

The acquisition includes scattered parcels of private land plus a storage permit for Knott Creek Reservoir. The scattered parcels would provide important public access to Knott Creek Reservoir and adjoining public land. Their acquisition would also block-up the ownership pattern into solid block public land for better ease of management. These parcels also provide important wildlife and fish habitat.

Knott Creek Reservoir is a significant trophy trout fishery that is important to Nevada and out-of-state fishermen. The proposal to purchase a water-storage right for Knott Creek Reservoir would protect and enhance this significant recreational resource. The proposed acquisition would ensure adequate habitat for trophy rainbow trout. The acquisition would also include the lower two miles of Knott Creek, which is utilized as spawning and rearing habitat for the naturally reproducing population of Rainbow trout in the reservoir.

II. Tiering

This environmental assessment is tiered to the Proposed Plan Amendment and Environmental Assessment of the Paradise-Denio and Sonoma-Gerlach Management Framework Plan (October, 1998). That environmental assessment discussed and analyzed acquisitions of property, which is the focus of this environmental assessment.

III. Overview

Knott Creek Reservoir has been managed by the Nevada Department of Wildlife as a trophy fishery. A minimum size limit and restriction in the use of bait has created high quality water, which has a history of producing adequate numbers of quality trout. In October, of 1988, a minimum pool agreement was negotiated with the landowner providing for 500 acre-feet of guaranteed storage (NDOW, 2004).

Historically, the public accessed Knott Creek Reservoir by the Blue Lake Road (BLM System Road – 2014). This road crosses private land owned by the proponent and he blocked access across his land in the early 1980's. The acquisition would result in this important access being reopened to the public. Other important access was also blocked across other parcels that are also the subject of this acquisition.

IV. Proposed Action

The proposed action consists of acquiring 624.22 acres of private land and some of the water rights associated with those lands. It also consists of acquiring a 500 acre/ft. storage water right for Knott Creek Reservoir. A detailed description of the estate proposed for acquisition is described in the attached EXHIBIT "A" LEGAL DESCRIPTION.

V. Relationship to Statutes, Regulations, or Other Plans

The proposed acquisition is in conformance with the Paradise-Denio Management Framework Plan and the Paradise-Denio and Sonoma-Gerlach Management Framework Plan Approved Lands Amendment and Decision Record-January 1999 (Lands Amendment). A comprehensive discussion of the conformance of the proposal to existing land use plans is included in a Memorandum – Subject: Knott Creek Acquisition/Land Use Plan Conformance, which has been attached to this environmental assessment as an Appendix.

The BLM is authorized to acquire lands or interests therein under Section 205 of the Federal Land Policy and Management Act of October 21, 1976 (43 USC 1715).

The proposed acquisition of lands and interests therein is consistent with Federal, State and local laws, regulations, and plans to the maximum extent possible.

VI. Alternative to Proposal

The only viable alternative to the proposed action is the no-action alternative and BLM would not acquire the land and associated water rights, including the 500 acre/ft. storage water right for Knott Creek Reservoir. The proposal is proponent driven. He prepared the nomination package and identified the estate he desired to sell. The purchase would be made as a package and there's no opportunity or reason to purchase a portion of the estate. The storage permit for Knott Creek Reservoir is integral to entire purchase considering the juxtaposition of the reservoir and some of the parcels proposed for purchase.

VII. Environmental Documentation

Critical Elements

The following critical elements of the human environment are subject to requirements specified in statute, regulations, or executive order. Those elements present within the project area have been analyzed in this EA (except for Air Quality); all others have not been further evaluated.

Critical Elements	Present	Affected		Critical Elements	Present	Affected	
		Yes	No			Yes	No
Air Quality	X		X	Nat. Amer. Rel. Concerns	X		X
ACEC's			X	T & E Species			X
Cultural Resources	X	X		Wastes, Hazardous/Solid			X
Environmental Justice			X	Water Quality	X	X	
Farmlands, Prime/Unique			X	Wetlands/Riparian Zones	X	X	
Floodplains			X	Wild & Scenic Rivers			X
Invasive, Nonnative Species	X	X		Wilderness	X		X
Migratory Birds	X	X					

Cultural Resources

On the acquired lands, cultural resources and Traditional Cultural Properties would be managed through BLM guidance and would come under the protection of the *National Historic Preservation Act of 1966* as amended, *Archaeological Resources Protection Act of 1979* as amended, and other applicable legislation and regulations. This should be a positive benefit for cultural resources.

Native American consultation was conducted with the Summit Lake Paiute Tribe. They had no concerns with the proposed acquisition.

Recreation/Visual Resources and Wilderness Study Areas

Acquisition of the subject properties would greatly enhance opportunities for recreation. The 500 acre storage water right would maintain and enhance the trophy rainbow fishery at Knott Creek. Some of the parcels have critical access routes across them. Acquiring them would ensure access to adjoining public land.

Knott Creek Reservoir, the parcels located along Knott Creek and the other parcels in their vicinity are located within a Class II Visual Resource Management Area. The objective of this class is to retain the existing character of the landscape. The level of change to the characteristic landscape should be low. Management activities may be seen, but should not attract the attention of the casual observer. Any changes must repeat the basic elements of form, line, color, and texture found in the predominant natural features of the characteristic landscape.

The other parcels comprising 120 acres are located within a Class III Visual Resource Management Area. The objective of this class is to partially retain the existing character of the landscape. The level of change to the characteristic landscape should be moderate. Management activities may attract attention but should not dominate the view of the casual observer. Changes should repeat the basic elements found in the predominant natural features of the characteristic landscape.

The proposed acquisition should ensure that the subject properties would not be developed and therefore, the visual quality of the area would be maintained.

The parcel located in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 16, T. 43 N., R. 28 E. is located in but not a part of the Blue Lakes Wilderness Study Area. The parcel located in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, T. 42 N., R. 28 E. is located in but not a part of the Pine Forest Wilderness Study Area. These parcels would not become part of the WSAs after their acquisition, since they have been excluded from them. However, their acquisition would limit their potential for development.

There would be no negative effects to recreation, visual resources or wilderness as a result of the proposed action.

Range

All of the parcels proposed for acquisition, with two exceptions, would become part of the Knott Creek Allotment. The exceptions are the two forty acre parcels located on Center Creek and they would become part of the Pine Forest Allotment. The subject parcels would be grazed in accordance with the terms and conditions for each applicable allotment.

Minerals

The mineral estate would be acquired on all of the properties except for the W¹/₂NW¹/₄, Sec. 8, T. 43 N., R. 28 E. On that parcel there is a reservation as follows:

EXCEPTING THEREFROM all mines of gold, silver, copper, lead, cinnabar and other valuable minerals which may exist in a portion of the lands described herein as reserved in the Patent from the State of Nevada, number 3923 dated July 18, 1898, recorded in Book 35 of Deeds, Page 160, Humboldt County, Nevada.

Robert Lutz, a BLM geologist, completed a Mineral Potential/Surface Interference Determination Report for the R.D.D., Inc. formerly proposed land sale and exchange. He examined 280 acres of the proposed acquisition parcels near Knott Creek Reservoir. He concluded the following with regard to them, "The private lands around Knott Creek Reservoir are all underlain by granitic rock with minor aplitic veining. These outcrops have weathered into scenic pillars and monuments. No mineralization or alteration was noted in these rocks".

Based on Mr. Lutz's report, it doesn't appear that the mineral reservation cited above would pose much of a threat of future mineral development on those parcels.

Energy and mineral development on the acquired lands would be administered under the energy and mineral leasing or sale laws, as appropriate. Furthermore, when lands are purchased by the federal government, the minerals that would otherwise be locatable under the General Mining Law of 1872 are instead handled under the terms of the solid mineral leasing laws.

Hazardous Materials

It's Bureau policy that a Phase I Environmental Site Assessment be completed on parcels proposed for acquisition. A contractor completed the subject assessment and they found no evidence of any materials that would preclude the proposed acquisition.

Noxious Weeds

The Winnemucca Field Office inspected the subject parcels on September 14, 2004. Only one noxious weed was noted on the subject parcels and that weed was eradicated. Based on his inspection, weeds should not be an issue with regard to the subject acquisition.

Hydrology

The subject parcels are located within the following watersheds: Knott, Cove, Center and Craine, all of which are relatively undisturbed (with the exception of some minor transportation components). The purchase of the parcels would have no direct impacts on water resources. Indirect positive impacts could result from the eventual road

improvements which would reduce the amount of obstruction currently found in the stream crossings and improve drainage. The purchase of additional storage within Knott Creek reservoir would provide habitat stability and would decrease the amount of water table fluctuation within the immediate vicinity of the reservoir and associated wet meadows.

Wildlife Habitat

All of the subject parcels provide some type of wildlife habitat and most of it is important to game species. Species that would benefit from the acquisition include chukars, sage-grouse, mule deer, pronghorns and California bighorns. Acquisition of the parcels would result in continuity of public land and in general preclusion of their development which is beneficial to wildlife habitat, overall.

Executive Order 13186 titled, "Responsibilities of Federal Agencies to Protect Migratory Birds", signed January 10, 2001, requires the BLM to evaluate the effects of Federal actions on migratory birds. A migratory bird inventory has not been completed for the project area. Common migratory birds, which may use the area as habitat include: blue birds, swallows, flycatchers, kingbirds, warblers, finches, doves, juncos, wrens, sparrows, killdeer, robins and meadowlarks. The proposal is expected to have a positive impact on migratory birds since the subject parcels would be in federal ownership under the management of the Bureau. Therefore, they would not be subject to unrestricted development. The Knott Creek riparian area should be especially important to migratory birds. Also, waterfowl use Knott Creek reservoir and maintenance of the minimum pool should be beneficial to them.

Fisheries

Knott Creek reservoir is a trophy rainbow fishery and it's important to the public within a wide geographic area of its location. Acquisition of the 500 acre foot storage water right should ensure that the fishery is maintained and enhanced. Additionally, acquisition of a water right on Knott Creek should be beneficial in the management of that stream. Much of the stream is incised with a non-functioning riparian area. Acquisition of the properties traversed by it would provide the Bureau the opportunity to manage the stream with the end of restoring it to proper functioning riparian condition. The stream, in conjunction with the reservoir, would provide a dynamic fishery, since fish from the reservoir spawn in the creek. With the acquisition of the parcels surrounding the stream and reservoir inlet, the habitats could be enhanced and developed to provide improved wild trout reproduction and unique opportunities to observe actively spawning fish during the spring. The stream, once rehabilitated, would also provide a unique opportunity to harbor a resident population of large (>15") rainbow trout and cutthroat trout hybrids.

Lands/Realty

All of the parcels proposed for acquisition are completely surrounded by public land. However, in two of the parcels that have been subdivided, some lots were sold and two lots are being retained by the proponent. Lots 10 and 11, comprising 6.63 acres (E½NW¼, Sec. 17, T. 43 N., R. 28 E.), of Block "A" of Pine Forest Recreation Estates Unit No. 1 are in private ownership. A short segment of Pine Forest Way was excepted

from the acquisition so that the owners of the lot would have legal access to them. However, an easement over the excepted portion has been offered as part of the proposal since an important existing “access” road to Knott Creek reservoir exists within a portion of the easement

Lots 1, 2 and 3 of Block B of Pine Forest Recreation Estates Unit No. 2 within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 17, T. 43 N., R. 28 E. are also in private ownership. The remainder of the parcel comprising 30.85 \pm acres would be acquired by the BLM. An access easement over the private roadway known as Creek Road would also be acquired.

Knott Creek reservoir partially encumbers some of the parcels being acquired as follows:

SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8, T. 43 N., R. 28 E.

RDD, Inc. would reserve an easement for the portions of the subject properties that are inundated by the reservoir.

A livestock fence (Project #1178 – Knott Meadow Fence) extends from public land onto the following acquisition parcel:

SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8, T. 43 N., R. 28 E.

The 500 acre/ft. storage water right would be impounded in Knott Creek Reservoir/Dam. The dam was permitted by the State of Nevada under permit J-330. The dam has a significant hazard designation from the State which is defined as follows: “A significant hazard designation is assigned to a dam if there is no reasonable potential for loss of life but an appreciable economic loss”. Hazard designations for dams are assigned based on downstream hazard potential in the event of a dam failure. The hazard designation in no way reflects the safety or condition of the dam.

The last documented inspection by the State (1998) determined that the dam was in good condition with no apparent damage or embankment instability.

The reservoir and dam are permitted on public land under right-of-way N-42981. The dam is located on public land as shown by recent GPS measurements, right-of-way planimetric maps and the appropriate orthophotoquad.

VIII. No Action Alternative – Analysis

Under the No-Action Alternative, none of the impacts identified under Section VII would occur.

IX. Mitigation Measures

No impacts have been identified that would require mitigation. This is somewhat of a moot issue, since the lands would be placed in public ownership, under the management of the Bureau of Land Management.

X. Cumulative Impacts

The Council of Environmental Quality (CEQ) regulations defines cumulative impacts as: "...[T]he impact on the environment which results from the incremental impact of the action when added to other past, present, or reasonably foreseeable future actions regardless of what agency (Federal or Non-Federal) or person undertakes such actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time (40 CFR 1508.7).

The cumulative impact assessment area for this EA has been defined on the attached map titled, **Proposed Knott Creek Acquisition**, and includes about 31,000 acres.

Past and Present Actions occurring within the assessment area includes; livestock grazing and recreation.

Livestock Grazing – Past livestock grazing occurred on private lands within the cumulative assessment area. Forage allocation of vegetation on a multiple use basis to livestock has occurred from the early 1980s to the present for public lands located within the assessment area.

Recreation – Past recreation use within the assessment area included dispersed recreation activities such as hunting, wildlife viewing, hiking and rock hounding on public lands. Dispersed recreation by the public was limited on private lands. Present recreation includes similar dispersed activities as described for past use.

Reasonable Foreseeable Future Actions (RFFAs)

Livestock Grazing

Past private lands would be subject to BLM range management which would include Standards for Rangeland Health and allotment specific objectives.

Recreation

It is anticipated that dispersed recreation would increase within the assessment area as previous private lands with restricted public access would be available for public recreation use.

Cultural Resources

Past & Present

Livestock Grazing – Impacts to cultural resources from livestock grazing remains low. There could be direct physical damage to cultural resources from trampling. Areas where over grazing has occurred can remove vegetation exposing cultural resources and making them more vulnerable to potential illegal collection.

Recreation – OHV travel can remove vegetation exposing cultural resources and physical damage to cultural resources could occur from repeated OHV use in the same area. Physical damage to cultural resources could result from repeated OHV use in the same

location. Areas in the vicinity of permanent and intermittent water sources (i.e. riparian areas) have the highest potential for cultural resource sites. These areas are also attractive for recreation use thus increasing the potential for illegal collection.

RFFAs

Livestock grazing

Impacts to cultural resources would be expected to remain similar as those analyzed under past and present for livestock grazing.

Recreation

An increase in recreation use on previously owned private lands would occur. However, these lands would be subject to the Historic Preservation Act which should provide further protection for cultural resources.

Recreation, Visual Resources and Wilderness Study Areas (WSAs)

Past and Present

Livestock Grazing

Impacts to visual resources and wilderness study areas remain low. Impacts to recreation would remain at existing levels, however, they may become more evident as recreation use increases.

Recreation

As recreation use increases there is potential for more people to access the WSA's for hiking and hunting. There could be increased competition for limited resources. Visual resources would not be impacted since recreational use would be dispersed and would not be associated with any permanent structures.

RFFAs

Livestock Grazing

Impacts to recreation, visual resources, and WSAs would be expected to remain similar as those analyzed under past and present for livestock grazing.

Recreation

It's anticipated that there would be minimal impacts from increased recreation, since it's anticipated that recreational use would be dispersed.

Range

Past & Present

Livestock Grazing

Past private lands would be subject to BLM range management which would include Standards for Rangeland Health and allotment specific objectives.

Recreation

Adverse impacts from recreation to livestock permittees and the BLM include vandalism of facilities such as troughs and fences, harassment of livestock, and potential for starting

a rangeland wild fire from a campfire or sparks from OHVs. These impacts have had moderate impacts to the livestock permittees as additional funds have to be expended to repair or replace facilities or protect livestock and provide additional forage for livestock which has been destroyed by fire.

RFFAs

Livestock grazing and Recreation

Impacts from livestock grazing and recreation are expected to remain similar as past and present actions.

Minerals

Past & Present

Livestock grazing and recreation use has had little impact to geological resources.

RFFAs

It is anticipated that there would be minimal impacts from livestock grazing and increased recreation use within the assessment area.

Hazardous Materials

Past and Present

There have been no known impacts from past and present actions from hazardous materials releases or spills.

RFFAs

It is anticipated that impacts would be similar to those identified under past and present actions for livestock grazing and recreation.

Noxious Weeds

Past & Present

Livestock grazing

Within the assessment area livestock grazing has promoted the establishment and spread of noxious weeds through dispersal of seed or by removal of vegetation in areas of heavy livestock concentration and utilization. On public lands these impacts have been mitigated by ensuring proper livestock management meeting allotment specific objectives and Standards for Rangeland Health. In addition, current noxious weed control programs are being implemented within portions of the assessment area.

Recreation - Activities can denude areas of vegetation from OHV travel and in concentrated use areas. Areas where vegetation has been removed are more prone to the establishment of noxious weeds. OHVs can also spread noxious weeds seeds as they fall off of the under carriage of vehicles. Overall these impacts remain low but could increase over time.

RFFAs

Livestock grazing and Recreation - Impacts from these actions are expected to remain similar as past and present actions.

Hydrology

Past & Present

Livestock Grazing

Within the assessment area livestock grazing has contributed to incision of stream channels and increased sedimentation. Overgrazing of meadows has reduced their water holding capability. Based on implementation of allotment specific objectives and Standards for Rangeland Health adverse impacts to hydrology from overgrazing would be reduced.

Recreation

Vehicles associated with recreational use have caused increased sedimentation in streams where channel crossing occur.

RFFAs

Livestock Grazing and Recreation

It is anticipated that impacts from livestock grazing, and recreation would be similar to impacts identified under the past and present analysis. Increased recreation use may result in increased sedimentation of streams below stream crossings.

Wildlife

Past & Present

Livestock grazing

Any past overgrazing by livestock would adversely impact habitat for cover and forage availability for wildlife, including migratory birds. Current impacts include degradation of wildlife habitat should concentrated livestock use occur. Overall these impacts are low for public lands within the assessment area. Based on implementation of allotment specific objectives and Standards for Rangeland Health adverse impacts to wildlife from overgrazing would be reduced.

Recreation

Hunting and other activities may chase wildlife out of areas. It is expected that these impacts would be short term and seasonal.

RFFAs

Livestock grazing and Recreation

It is anticipated that impacts from livestock grazing, and recreation would be similar to impacts identified under the past and present analysis. Increased recreation use on

previously held private lands may cause wildlife to move to areas away from human activity.

Threatened, Endangered, Sensitive Species

Past, Present, and RFFAs

There would be no cumulative impacts to Threatened, Endangered, or Sensitive Species from livestock grazing and recreation use.

Fisheries

Past & Present

Livestock Grazing

If heavy grazing occurs it would result in removal of vegetation, increasing the potential for soil erosion and subsequent silting of creeks or streams. Sediments can adversely affect fish habitat.

Recreation

OHV use can also remove vegetation along streams and creeks causing increasing erosion and sedimentation.

RFFAs

Livestock Grazing

Impacts from livestock grazing would be similar to those identified under past and present. Previously owned private land would now be subject to BLM management to ensure site specific objectives and Standards for Rangeland Health are met.

Recreation

Increased recreation on previously private owned lands may increase OHV use near streams and fishing pressure where applicable.

Lands/Realty

Past, Present, and RFFAs

There would be no cumulative impacts to Lands/Realty from livestock grazing or recreation use within the cumulative impacts assessment area.

Cumulative Impacts/No Action Alternative

Cumulative impacts from the No Action Alternative would be similar to those identified under the proposed action with the exception of private land. Public access to private land would be restricted and incremental impacts to some resources would be reduced.

XI. Consultation and Coordination

Ms. Robyn Burdette – Summit Lake Paiute Tribe

Humboldt County Board of Commissioners

Mr. Richard Drake

The Conservation Fund

The Nevada Department of Wildlife

Nevada Department of Conservation and Natural Resources- Water Resources Division

Fast Glass Inc. – Adjoining private property owner

Michael and Cheryl Hornbarger – Adjoining private property owner

Kurt and Cindy Kracaw – Adjoining private property owners

A news release describing the proposal would be published in a local newspaper.

EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL ONE:

T42N, R27E, MDB&M:

S5: SW1/4 SW1/4

S14: SW1/4 SW1/4

S22: NE1/4 NE1/4

PARCEL TWO:

T43N, R28E, .MDB&M:

S8: W1/2 SE1/4; SE1/4NW1/4; SW1/4NE1/4

S19: NE1/4SE1/4

S28: NE1/4NW1/4

S30: NE1/4NE1/4

EXCEPTING THEREFROM a non-exclusive easement for the construction, operation, maintenance, repair and reconstruction of the Knott Creek Reservoir and related appurtenances on, over, through and across the property described as the SW1/4NE1/4; E1/2SE1/4NW1/4; N1/2NW1/4SE1/4 and the N1/2S1/2NW1/4SE1/4 of Section 8, T43N, R28E, MDB&M, together with the right of ingress and egress for constructing, operating, maintaining, repairing and reconstructing the Knott Creek Reservoir.

PARCEL THREE:

T43N, R28E, MDB&M: S8: W1/2NW1/4

EXCEPTING THEREFROM all mines of gold, silver, copper, lead, cinnabar and other valuable minerals which may exist in a portion of the lands described herein as reserved in the Patent from the State of Nevada, number 3923 dated July 18, 1898, recorded in Book 35 of Deeds, Page160, Humboldt County, Nevada.

PARCEL FOUR:

All of Pine Forest Recreational Estates Unit No. 1, being within the E1/2 NW1/4 of Section 17, T43N, R28E, MDB&M, according to the official map thereof, filed in the office of the County Recorder of Humboldt County on January 6, 1986, as File No. 255506, except Lots 10 and 11 of Block "A," including the private roads known as "Dream Drive," "Reservoir Road," "Basque Lane," and "Pine Forest Way," excepting the following portion of "Pine Forest Way":

Commencing at the NE corner of Pine Forest Recreational Estates Unit No. 1, which is further described as the N1/4 corner of said Section 17; thence S 0°00'52" W 572.65 feet along the

North-South quarter section line, the true point of beginning: thence continuing S0°00'52" W 318.05 feet to a point; thence N 89°59'08" W 40.00 feet to a point; thence N 0°00'52" E 318.05 feet to a point; thence on a tangent curve to the left 27.93 feet to a point, said curve having a radius of 20.00 feet and a central angle of 80°00'00"; thence N 79°59'08" W 117.48 feet to a point; thence along a tangent curve to the left 19.25 feet to a point, said curve having a radius of 20.00 feet and a central angle of 55°09'00"; thence right along a cul-de-sac 253.33 feet to a point, said cul-de-sac having a radius of 50.00 feet and a central angle of 290°18'01"; thence along a curve to the left 19.25 feet to a point, said curve having a radius of 20.00 feet and a central angle of 55°09'00"; thence S 79°59'08" E 117.48 feet to a point thence along a curve to the right 83.78 feet to the true point of beginning, said curve having a radius of 60.00 feet and a central angle of 80°00'00" (as depicted on map dated 10/27/03 by John H. Milton, Land Surveyor, Desert Mountain Surveying, attached and made a part hereof as Exhibit A-1).

Together with a access easement over the above excepted portion of "Pine Forest Way."

PARCEL FIVE

Lots 1, 2 and 3 of Block B of Pine Forest Recreational Estates Unit No. 2, within the NW 1/4 of SE 1/4 of Section 17, T43N, R28E, MDB&M, according to the official map thereof, filed in the office of the County Recorder of Humboldt County on January 6, 1986, as File No. 255507. Together with an access easement over the private roadway therein known as Creek Road.

PARCEL SIX

All of Pine Forest Recreational Estates Unit No. 4, within the SW1/4 of SE1/4 of Section 16, T43N, R28E, MDB&M, according to the official map thereof, filed in the office of the County Recorder of Humboldt County on January 6, 1986, as File No. 255508, together with the private roads therein known as "Gramen Road," "Verdant Way," and "Coppice Way," and the Common Area therein.

KNOTT CREEK WATER RIGHTS DESCRIPTION

WATER RIGHTS TO BE ACQUIRED IN ASSOCIATION WITH THE ACQUISITION OF +/- 624.22 ACRES OF REAL PROPERTY LOCATED IN HUMBOLDT COUNTY, NEVADA KNOWN AS THE “KNOTT CREEK RESERVOIR PROPERTY” (N-76608)

Proof 09345 – Filed September 2002 by RDD, .078125 cfs

Proof 09346 – Filed September 2002 by RDD, .078125 cfs

Proof 09347 – Filed September 2002 by RDD, .078125cfs

--Proof 02196 (Source: Knott Creek; Use: Stock water for 2500 head of cattle)

--Application 65584 (Source: Underground, Use: irrigation; 1.99 cfs)

--Application 65585 (Source: Underground, Use: irrigation; 3.33 cfs)

--Application 70830 (Source: Knott Creek and Tributaries, Use: Recreation--minimum pool for Knott Creek Reservoir), 500 af currently appropriated under Proof 02636--certificate 414

Permit 49042 (Source Knott Creek: Use Quasi-Municipal) (.37 mga) – buying .162 mga

Permit 49043 (Source Knott Creek: Use Quasi-Municipal) (2.05 mga) – buying 1.944 mga

Permit 49044 (Source Knott Creek: Use Quasi-Municipal) (.594 mga) – buying all .594 mga

[Above three quasi-municipal permits are attached to the Pine Forest Estates subdivision; proportionate amounts are being retained from two of the three permits for privately owned lots.]

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Winnemucca Field Office
5100 East Winnemucca Boulevard
Winnemucca, Nevada 89445
775-623-1500

In Reply Refer To:
2100
N-76608
(NV-023.21)

December 1, 2003

Memorandum

To: Assistant Field Managers, Nonrenewable Resources and Renewable Resources

From: Wildlife Biologist

Subject: Knott Creek Acquisition/Land Use Plan Conformance

We have been coordinating with the Southern Nevada Public Lands Management Act (SNPLMA) Office and The Conservation Fund regarding the acquisition of certain private lands (see attached legal description) from Mr. Richard Drake. The acquisition also includes the possible acquisition of water rights associated with the parcels as well as a minimum pool agreement for Knott Creek Reservoir. I felt it was important to do an analysis of the proposal to determine if it conforms to existing land use plan, since we are continuing in the acquisition process, including an early appraisal. The final determination of Land Use Plan conformance will be made in the environmental assessment that will be completed for the proposed acquisition.

The Land Use Plans applicable to the proposed acquisition are the Paradise-Denio Management Framework Plan (P-D/MFP) and the Paradise-Denio and Sonoma-Gerlach Management Framework Plan Approved Lands Amendment and Decision Record – January 1999 (Lands Amendment).

Section 2. of the Lands Amendment identifies the criteria that must be considered in acquisition as follows:

“Land acquisitions will be considered on a case-by-case basis through exchange, purchase, or donation. Lands to be acquired must: a) facilitate access to public lands and resources; b) provide resource protection; c) facilitate implementation of the MFPs; d) provide for a more manageable land ownership pattern; e) maintain or enhance public

uses and values; f) be reviewed for water rights and other encumbrances (easements, right-of-way, access, etc.); g) be inventoried for noxious weeds.

The proposed acquisition meets the criteria cited above as follows:

- a) – Most of the parcels have some sort of road access across them and therefore, their acquisition would provide public access. An historical route to Knott Creek reservoir has been blocked on one of the parcels proposed for acquisition. The same access route to Knott Creek reservoir crosses several other of the proposed parcels and their acquisition would open this important historical access. Acquisition of the parcels surrounding Knott Creek Reservoir would also ensure access to the reservoir although at this time access across these parcels to the reservoir has not been denied.
- b) – Acquisition of every parcel would provide some source of resource protection. Almost all of the parcels have a water source on them and public ownership would ensure the water sources would be protected. Several of the parcels are traversed by Knott Creek and Center Creek which are both perennial streams. As stated previously, several of the parcels are encumbered by Knott Creek reservoir and their acquisition would allow the BLM to manage the resources adjoining the reservoir. Most of the parcels provide some sort of wildlife habitat including habitat for big game.
- c) – Decision WLA 1.10 of the P-D/MFP applies to many of the parcels proposed for acquisition as it states:

“As sites are identified and/or need or opportunity arises—acquire by exchange or other means those private lands intermingled with public lands that contain high resource values within the North Fork of the Little Humboldt and along the resource area streams which support or have the potential to support a sport fishery.”

This decision applies to those parcels traversed by Knott Creek and could also be applied to those parcels encumbered by Knott Creek reservoir.

Decision WLA 1.11 of the P-D/MFP applies directly to the acquisition of the minimum pool agreement for Knott Creek reservoir and it reads as follows:

“Whenever practicable all reservoirs constructed on public land that have fisheries potential will be fenced with the water piped to a tank for livestock use. Any new irrigation reservoirs on public land will have a minimum pool requirement established. **The same will apply on existing reservoirs when the opportunity arises.** This will be coordinated with other affected individuals, permittees, or agencies in advance, such as Division of Wildlife Resources.”

Decision WLA 1.15 of the P-D/MFP also applies to the acquisition of the minimum pool agreement as it states,

“Recognize the need for water rights for fisheries and to work with Nevada Department of Wildlife and the State Water Engineer to insure that fisheries habitat is protected.”

Recreation decision 2.1 of the P-D/MFP, although it doesn't specifically relate to the proposed acquisition, it does have direct applicability to the proposal. It states,

“Identify new reservoir sites for water-related recreation activities and encourage their development particularly in cooperation with other agencies state and local government and interested private parties.”

Recreation decision 2.11 of the P-D/MFP supports acquisition of the minimum pool and other water rights as it states,

“Acquire or provide sufficient water on public lands through permit, adjudication, or purchase processes as provided by Federal and State Water Law and/or other appropriate direction to support the uses of the public lands for wild horses, wildlife, aquatic habitat, livestock, and recreation.”

Recreation decision 3.1 of the P-D/MFP addresses access to Knott Creek and the importance of securing legal access to it as follows:

Insure legal access, where consistent with management plans on all Bureau roads to public lands in the Paradise-Denio Resource Area. The following roads require legal access ... Knott Creek.”

- d) – The proposal would meet this criterion since most of the parcels proposed for acquisition are mostly 40 to 80 acre parcels that are totally surrounded by public land. After purchase the lands would be managed similarly to other surrounding public land.
- e) – The proposed acquisition would greatly enhance public use and values. As stated previously it would provide public access to Knott Creek as well as access for hunters to other areas. Acquisition of the minimum pool would enhance the viability of the Knott Creek fishery which is recognized as a premier trophy trout fishery.
- f) – The parcels proposed for acquisition have been reviewed for water rights and other encumbrances through a water rights abstract and preliminary title report.

g) – The noxious weed inventory would be completed prior to the environmental assessment. This criterion doesn't preclude an acquisition. It would be a tool to help management determine the feasibility of proceeding with an acquisition of a parcel that has a noxious weed infestation.

In addition to meeting the criteria cited above the subject Land Use Plan states there are other criteria that must be considered as follows:

Land acquisition actions, that may adjust county and local tax base and grazing preference, will be coordinated with the appropriate government entity and/or permittee.

The proposal would have to be presented to the Humboldt County Commissioners for their concurrence and completion of the acquisition would hinge upon it. Consultation with the Commissioners has not been completed to date, but will be completed in the near future. Typically the Humboldt County Commissioner's position has been to concur with the acquisition of private land from a **willing seller**.

The proponent of the acquisition is the permittee in the Knott Creek grazing allotment where most of the subject parcels are located and grazing preference would not be affected by the acquisition. Eighty acres of the subject parcels are located in the Pine Forest grazing allotment which is held by a different permittee, but the grazing preference would not be affected in that allotment either.

All water rights appurtenant to the lands identified for acquisition will be verified prior to any acquisition action. Any agreements between the BLM, private land owners, and persons holding water rights, will be presented to the Nevada State Engineer's office for review. The State Engineer will be notified of any change of ownership.

The water rights associated with the proposed acquisition have been verified and are integral to and part of the acquisition. Additionally, the minimum pool agreement has been defined and is also part of the proposed acquisition.

The minimum pool agreement will be filed with the State Engineer's office and he will be notified of changes of water rights ownership upon completion of the acquisition.

Site-specific decisions regarding land ownership adjustments for the Winnemucca Field Office will be made based on the following criteria through the environmental analysis process.

- a. Public resource values or concerns – These criteria are easily met because of the resource values associated with the proposed acquisition. There are no public concerns that are apparent at this time.

- b. Accessibility of the land for public uses – Since the proposal would represent the acquisition of parcels key to access and increased water storage in Knott Creek Reservoir, these criteria are easily met.
- c. Manageability (difficulty or cost of administration) – The acquisition would result in greater ease of management since the land would be in public ownership in a block of public land. Acquisition of the water rights and minimum pool agreement would also enhance management of the subject parcels as well as Knott Creek Reservoir.
- d. Suitability and need for change in land ownership, for management and use by other State and Federal Agencies – These criteria mostly do not apply. The minimum pool agreement would complement the minimum pool agreement previously purchased by the Nevada Department of Wildlife. However, the entire purchase including lands, associated water rights and the Knott Creek minimum pool agreement would all be managed by the Bureau.

Notification of the Humboldt County Commissioners and the State Engineer is pending.

Based on the previous analysis it appears that the proposed acquisition meets the intent and requirements of the Paradise-Denio Management Framework Plan and the Paradise-Denio and Sonoma-Gerlach Management Framework Plan Approved Lands Amendment and Decision Record, January 1999 and is in conformance with the subject Plan and Amendment.

/S/ Ken Detweiler

We concur:

/S/ Colin P. Christensen
Colin P. Christensen, Assistant Field Manager
Nonrenewable Resources

12/4/03
Date

/S/ Les W. Boni
Les W. Boni, Assistant Field Manager
Renewable Resources

12/3/03
Date

**DRAKE ACQUISITION
LEGAL DESCRIPTIONS**

T. 43 N., R. 28 E., MDM

Sec. 8, W $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 240 acres

Sec. 16, SW $\frac{1}{4}$ SE $\frac{1}{4}$ - 40 acres

Sec. 17, E $\frac{1}{2}$ NW $\frac{1}{4}$ (All of Pine Forest Recreational Estates Unit No. 1 except Lots 10 and 11 and their associated access shown on map and accompanying legal description prepared by Desert-Mountain Surveying) – 73 acres more or less

Sec. 17, NW $\frac{1}{4}$ SE $\frac{1}{4}$ (Parcels 1-3 of Block B, as recorded on subdivision plat File #255507 in Humboldt County, Nevada on 01/06/86) – 30.85 acres

Sec. 19, NE $\frac{1}{4}$ SE $\frac{1}{4}$ - 40 acres

Sec. 28, NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 40 acres

Sec. 30, NE $\frac{1}{4}$ NE $\frac{1}{4}$ - 40 acres

T. 42 N., R. 27 E.

Sec. 5, SW $\frac{1}{4}$ SW $\frac{1}{4}$ - 40 acres

Sec. 14, SW $\frac{1}{4}$ SW $\frac{1}{4}$ - 40 acres

Sec. 22, NE $\frac{1}{4}$ NE $\frac{1}{4}$ - 40 acres

Comprising 623.85 acres more or less

